

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Law Offices

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In Re:

SERGIO EUGENIO SOTOLONGO

CBC PARTNERS I, LLC,

Plaintiff

v.

SERGIO EUGENIO SOTOLONGO,

Defendant.

Chapter 7

Case No.: 17-13112 (MBK)

Adversary Proceeding No.: 17-01342

Honorable Michael B. Kaplan, U.S.B.J

CONSENT JUDGMENT DETERMINING DEBT NON-DISCHARGEABLE

The relief set forth on the following pages, numbered two (2) through four (4) is hereby

ORDERED.

Debtor: SERGIO EUGENO SOTOLONGO

Case No: 17-13112 (MBK)

Adv. No.: 17-01342

Caption: Consent Judgment Determining Debt Non-Dischargeable

JURISDICTION AND VENUE

1. Plaintiff/Creditor, CBC PARTNERS, I, LLC, filed a Complaint to determine dischargeability of a particular debt pursuant to 11 U.S.C. § 523(a)(2)(A). The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and § 1334.

2. This proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I). Venue is proper in this district pursuant to 28 U.S.C. § 1409(a).

3. This adversary proceeding is brought in connection with the Chapter 7 case filed by the Defendant/Debtor, SERGIO EUGENIO SOTOLONGO, as case number 17-13112, now pending in this Court since February 17, 2017.

BACKGROUND FACTS

4. CBC PARTNERS, I, LLC is a creditor of the Debtor with a claim in excess of \$2,100,000.00, as of the Petition Date. The facts and circumstances giving rise to the claim owed by the Defendant/Debtor to Plaintiff/Creditor are more particularly described in the Complaint to Determine Non-Dischargeability of Debt filed on May 16, 2017.

5. On or about April 21, 2015, Plaintiff extended a nonrevolving line of credit to StuFund Advisors, LLC, a Delaware limited liability company (“Borrower”), in the maximum amount of \$1,700,000.00. The Loan was evidenced by a Secured Promissory Note, as amended and supplemented (the “Note”).

6. On or about April 21, 2015, for good and valuable consideration, Defendant/Debtor, SERGIO EUGENIO SOTOLONGO, absolutely, irrevocably, and

unconditionally guaranteed repayment of the Loan and other indebtedness of Borrower to Plaintiff pursuant to the terms of a Secured Guaranty.

7. Defendant/Debtor, SERGIO EUGENIO SOTOLONGO, filed a voluntary petition for relief under Chapter 7 of Title 11 of the Bankruptcy Code on February 17, 2017.

8. CBC PARTNERS, I, LLC filed a Complaint to determine dischargeability of its particular debt pursuant to 11 U.S.C. § 523(a)(2)(A) on May 16, 2017.

9. Creditor/Plaintiff, CBC PARTNERS, I, LLC and the Defendant/Debtor, SERGIO EUGENIO SOTOLONGO, have agreed to consensually resolve the adversary proceeding.

IT IS HEREBY ORDERED, that:

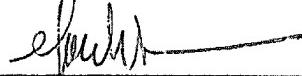
1. Judgment is hereby entered in favor of Plaintiff/Creditor, CBC PARTNERS I, LLC, and against the Defendant/Debtor, SERGIO EUGENIO SOTOLONGO in the sum of \$2,252,607.68, plus interest at the contract interest rate of 13.5% from October 31, 2017 through the date of entry of the within Judgment. Thereafter, interest shall accrue at the federal interest rate as set forth in 28 U.S.C. 1961.

2. This Judgment shall be nondischargeable pursuant to 11 U.S.C. § 523(a)(2)(A), and will survive any Order of Discharge in this and any subsequent bankruptcy.

Consent to the foregoing Order is hereby
acknowledged on behalf of the Debtor

POLITAN LAW, LLC
Attorneys for Debtor, Sergio Eugenio
Sotolongo

By:



Mark J. Politan, Esq.
88 East Main Street, #502
Mendham, New Jersey 07945
N.J. Bar Id. No.:

Dated: 1/26/18

Consent to the foregoing Order is hereby
acknowledged on behalf of the Creditor

LAW OFFICES OF CHARLES A. GRUEN
Attorneys for Creditor, CBC Partners I, LLC

By:



Rosa Amica-Terra, Esq.
381 Broadway, Suite 300
Westwood, New Jersey 07675
N.J. Bar Id. No.: 006412007

Dated: January 26, 2018